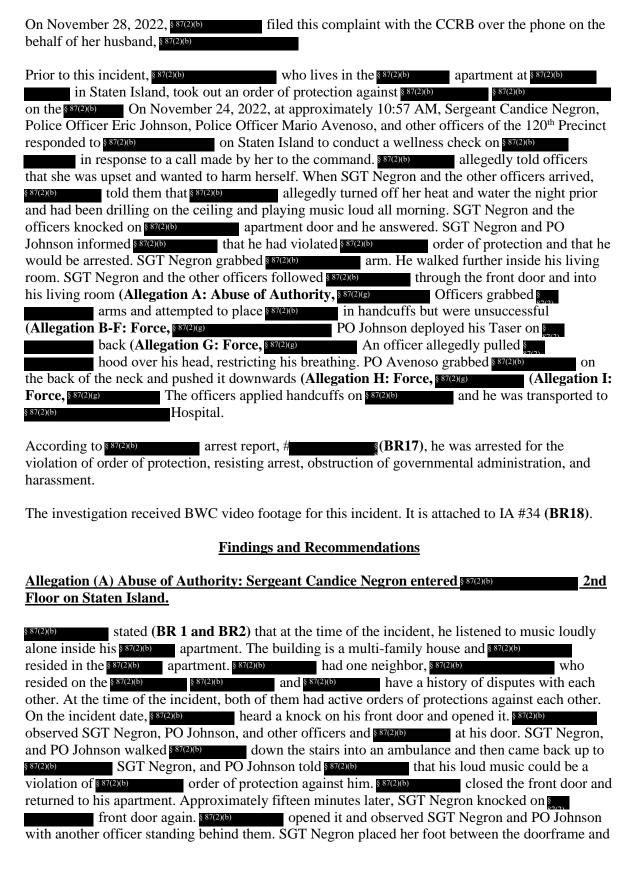
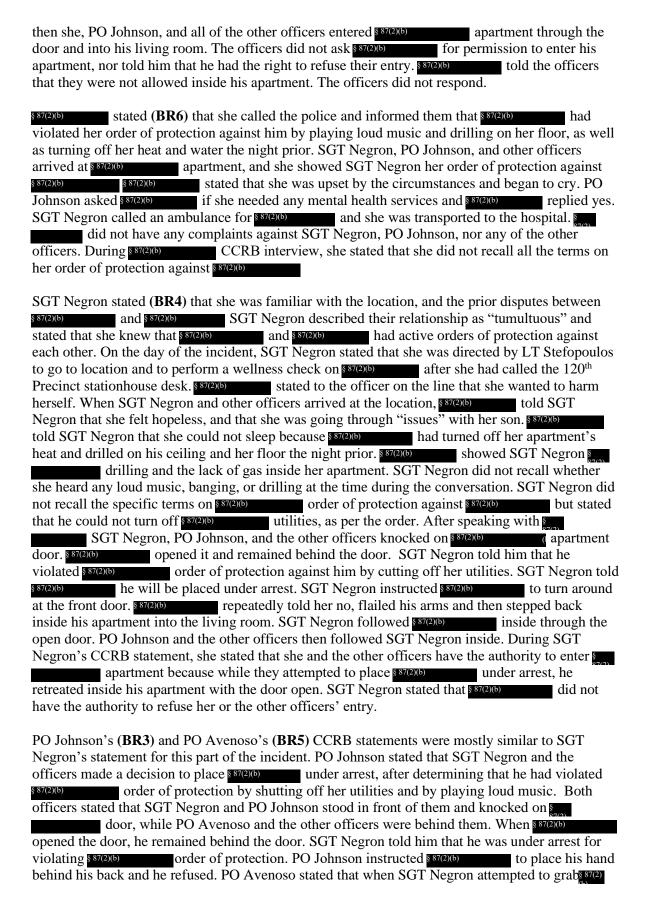
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☑	Force		Discourt.	U.S.	
Jeffrey Tsui		Squad #15	202208148	☑	Abuse		O.L.	☑ Injury	
Incident Date(s)		Location of Incident:			18 N	Io. SC	OL	Precinct:	:
Thursday, 11/24/2022 10:57 AM		§ 87(2)(b)			5/2	4/202	4	120	
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Tim	e Rece	eived at CCI	RB	
Mon, 11/28/2022 4:53 PM		CCRB	Call Processing System		Mon, 11/	28/202	22 4:53 PM	:	
Complainant/Victim	Туре	Home Addre	ess						
Witness(es)		Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. SGT Candice Negron	02206	946639	1ST D C						
2. SGT Eric Johnson	07704	956777	122 PCT						
3. PO John Stillman	19079	968149	120 PCT						
4. PO Mario Avenoso	16221	957343	120 PCT						
5. PO Hasan Javaid	10388	965218	120 PCT						
6. PO Gregory Carosella	21200	968996	120 PCT						
Officer(s)	Allegatio	on			Inv	estiga	itor Recon	nmendation	1
A . SGT Candice Negron	Abuse: S § 87(2)(b)	ergeant Candice Negror	entered on Staten Island.						
B . SGT Eric Johnson	Force: Po	olice Officer Eric Johnso	on used physical for	ce					
C . PO Mario Avenoso	Force: Poagainst	olice Officer Mario Aver 37(2)(5)	noso used physical f	orce					
D . PO Hasan Javaid	Force: Po against	olice Officer Hasan Java 37(2)(6)	id used physical for	ce					
E . PO John Stillman	Force: Po against	olice Officer John Stillm 37(2)(5)	an used physical for	ce					
F . PO Gregory Carosella	Force: Po	olice Officer Gregory Ca (2)(0)	arosella used physica	al fo	orce				
G . SGT Eric Johnson		olice Officer Eric Johnsong device on §87(2)(b)	on used a non-lethal						
H . PO Mario Avenoso	Force: Po	olice Officer Mario Aver 87(2)(b)	noso used a chokeho	old					
I . PO Mario Avenoso	Force: Po	breathing.	noso restricted § 87(2)(0))					

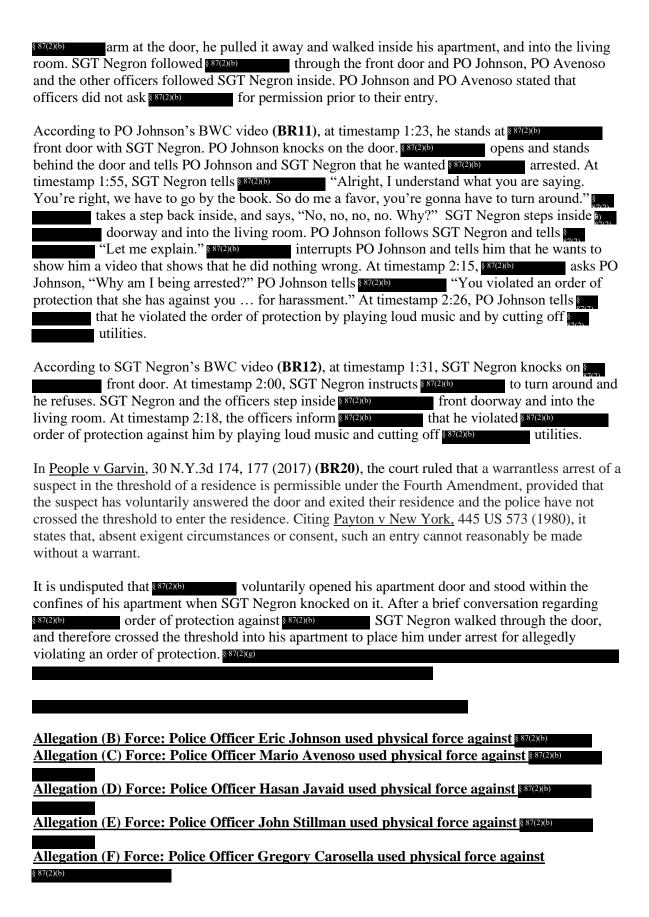
Case Summary

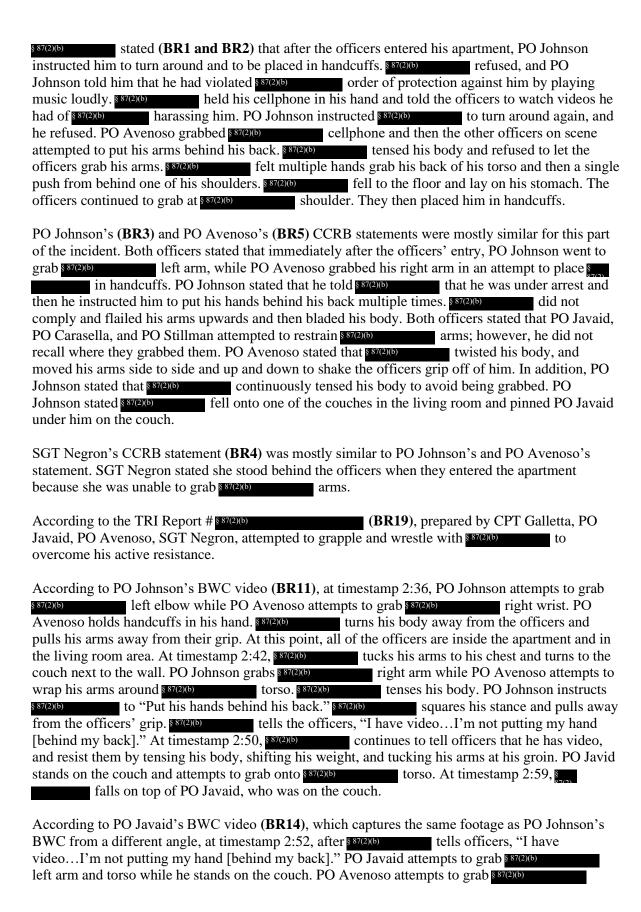


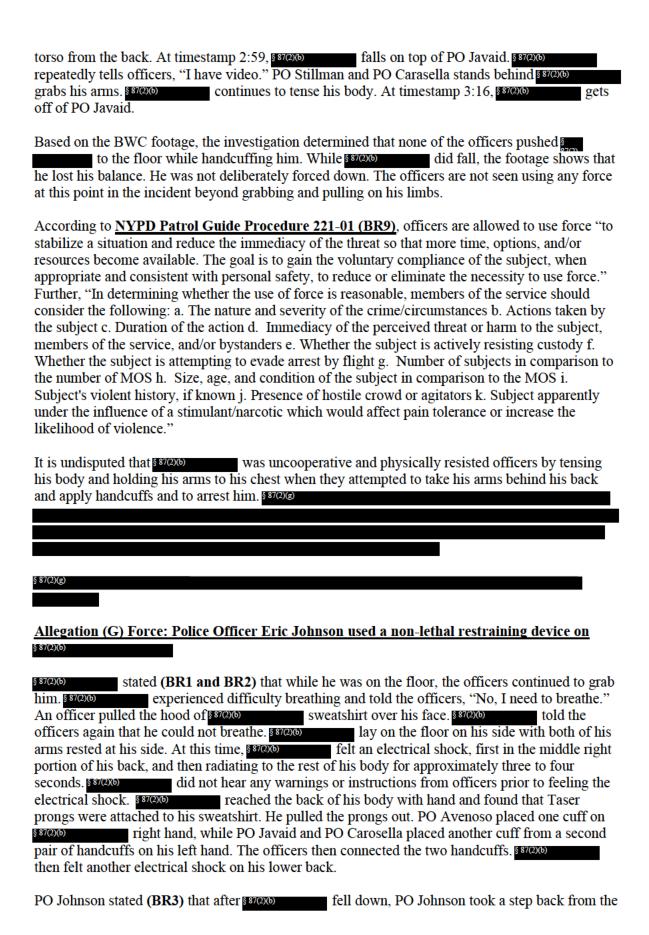


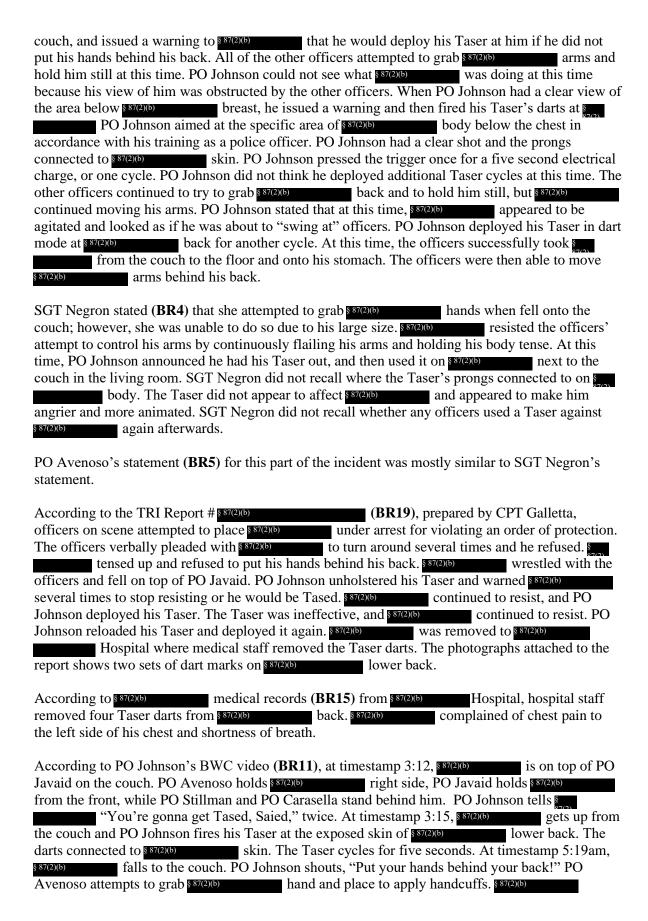
CCRB CTS – Confidential

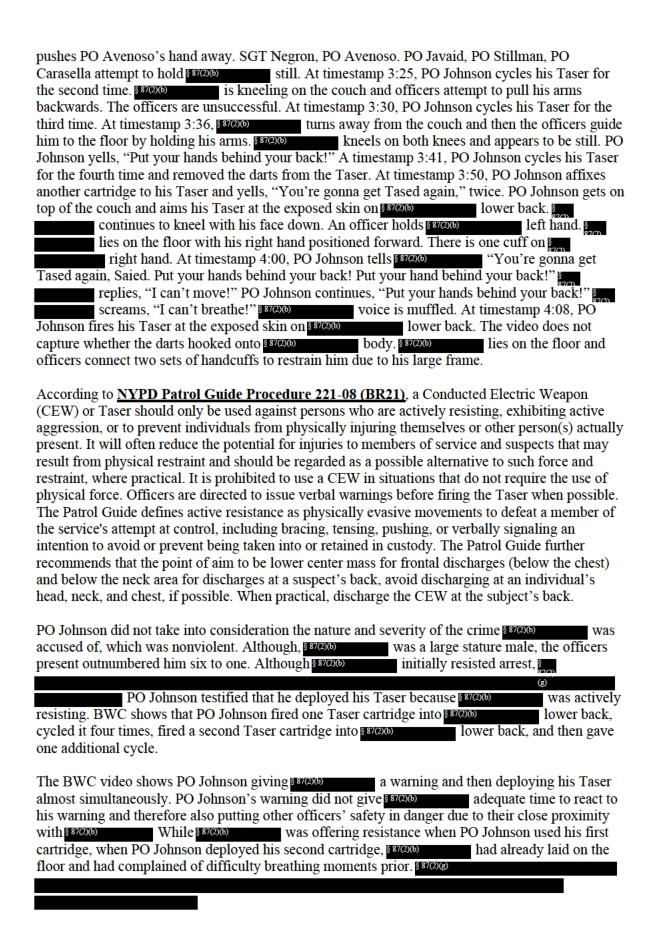
Page 2





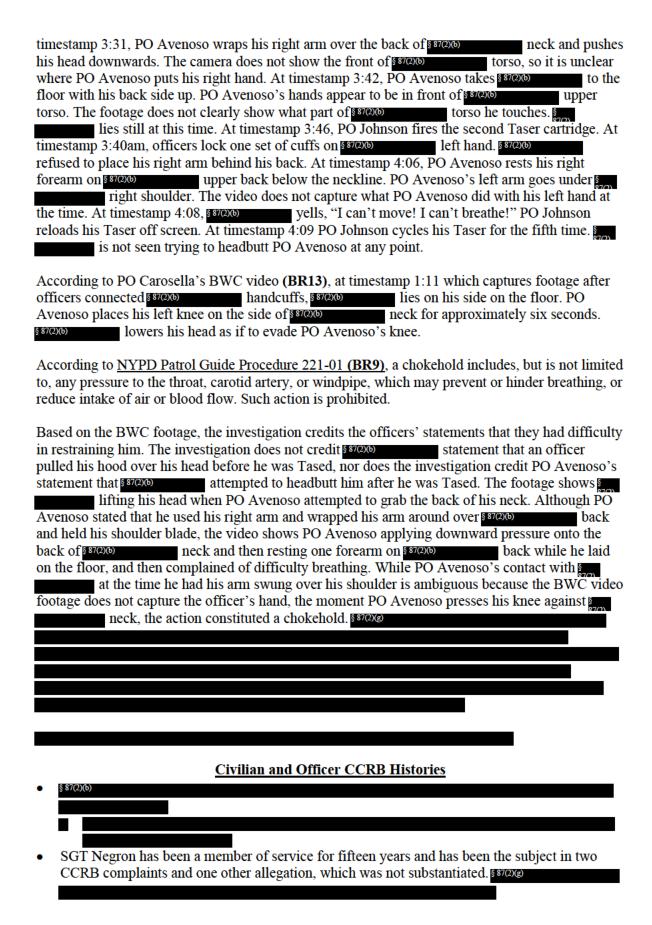






Allegation (H) Force: Police Officer Mario Avenoso used a chokehold against Allegation (I) Police Officer Mario Avenoso restricted breathing. stated that after officers connected the cuffs on both of hands. felt a downward pressure on his back for approximately one minute as if someone had placed a knee on his back. When the sensation went away, \$87(2)(6) lay sideways on the floor and breathed heavily with his face down. An officer moved \$87(2)(b) hood over his face. could not move his body. § 87(2)(b) told the officers that he could not breathe and that he was experiencing difficulty speaking. The officers ignored him. picked himself up and sat upright to breathe. PO Avenoso stated (BR5) that after PO Johnson announced out loud that he would deploy his Taser he stopped grabbing § 87(2)(b) arm. After was Tased, PO arms again. At that time, § 87(2)(b) Avenoso attempted to grab § 87(2)(b) appeared to lunge his body towards PO Avenoso. PO Avenoso backpaddled to avoid being potentially PO Avenoso wrapped his right arm around \$87(2)6 headbutted by back and shoulder blade while he also held one of held it at arms with his left hand. PO Avenoso stated that he did this so §87(2)(b) would not be able to strike him with continued to square and tense his body and push back at officers attempting to place him in handcuffs. PO Avenoso did not recall if he applied downward pressure on stop in the place him in handcuffs. back at this time but noted that he did try to restrain him at this time. PO Avenoso stated that he had one knee on the floor and used his other foot planted to not lose balance. continued to tense the arm that PO Avenoso held and attempted to "attack" officers with his shoulders. PO Avenoso stated, that he did not make physical contact with while holding in this position. PO Avenoso noted that complained of difficulty breathing; however, he did not know why he said it, nor did he appear to be in respiratory distress. PO Johnson stated (**BR3**) that officers placed in handcuffs after he deployed his Taser for the second time. PO Johnson noted that while watching his own BWC during the CCRB interview, he heard § 87(2)(b) complain of having difficulty breathing while he laid on the floor and that he did not independently recall hearing say that at the time of the incident. PO Johnson did not recall seeing § 87(2)(b) in respiratory distress nor observe any officer neck. PO Johnson stated that making physical contact with transported to the hospital after his arrest because he had been Tased. SGT Negron stated (**BR4**) that she did not recall whether [87(2)(b)] complained of having difficulty breathing at any time during the incident. SGT Negron denied seeing any officer pull on sweater or using it to cover his head at any point. SGT Negron noted that as soon was placed in handcuffs, an ambulance was called, and he was transported to the hospital due to the use of the Taser on him. According to the TRI Report # (BR19), prepared by CPT Galletta, PO Javaid, PO Avenoso, SGT Negron, attempted to grapple and wrestle with overcome his active resistance.

According to PO Javaid's BWC video (BR14), after PO Johnson cycles his Taser four times, at



- PO Johnson has been a member of service for nine years and has been a subject in seven CCRB complaints and ten other allegations, of which three were substantiated.:
 - o 201907200 involved substantiated allegations of discourteous word and offensive language against PO Johnson. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A. § \$7000
- PO Avenoso has been a member-of-service for nine years and this is the first CCRB complaint to which he has been the subject.

Mediation, Civil, and Criminal Histories

 This complaint was not suital 	ble for mediation.
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RPBP History This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.								
Squad No.:	15							
investigator:	Jeffrey Tsui Signature	INV Jeffrey Tsui Print Title & Name	03/08/2024 Date					
Squad Leader:	Owen Godshall Signature	SI Owen Godshall Print Title & Name	03/08/2024 Date					
Reviewer:	Signature	Print Title & Name	Date					